

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS DENTINO,

Plaintiff,

vs.

MOIHARWIN DIVERSIFIED CORPORATION
doing business as VEGAS VALLEY
COLLECTION SERVICES,

Defendant.

Case No. 2:16-cv-904-VCF

ORDER

Before the court are Dentino's motion for attorney's fees (ECF No. 48), the Defendant's response (ECF No. 49), and Dentino's reply (ECF No. 50). For the reasons stated below, Dentino's motion is granted.

I. Discussion

1. **Reasonable Attorney Fees**

"[A]ny debt collector who fails to comply with any provision of this subchapter with respect to any person is liable to such a person in an amount equal to the sum of – (1) any actual damages sustained by such person as a result of such failure; (2)(A) in the case of any action by an individual, such additional damages as the court may allow, but not exceeding \$1,000." 15 U.S.C. §1692k. "[I]n the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fee as determined by the court." *Id.*

Courts typically apply the two-step "lodestar" method to determine a party's reasonable attorney's fees. *Gonzalez v. City of Maywood*, 729 F.3d 1196, 1202 (9th Cir. 2013). "Under the lodestar method, the district court multiplies the number of hours the prevailing party reasonably

1 expended on the litigation by a reasonable hourly rate.” *Id.* (internal quotation marks omitted). “The
2 product of this computation—the ‘lodestar figure’—is a presumptively reasonable fee.” *See id.*

3 a. *Reasonable Number of Hours*

4 “[A] reasonable number of hours equals the number of hours ... which could reasonably have
5 been billed to a private client.” *Id.* (internal quotation marks omitted). “The prevailing party has the
6 burden of submitting billing records to establish that the number of hours it has requested are
7 reasonable.” *Id.* “[T]o determine whether attorneys for the prevailing party could have reasonably billed
8 the hours they claim to their private clients, the district court should begin with the billing records the
9 prevailing party has submitted.” *Id.*

10 “[I]n some cases, the prevailing party may submit billing records which include hours that could
11 not reasonably be billed to a private client.” *Id.* at 1203. “For example, records may contain entries for
12 hours that are excessive, redundant or otherwise unnecessary.” *Id.* Courts may exclude such hours
13 using one of two methods. *Id.* “First, the court may conduct an ‘hour-by-hour analysis of the fee
14 request,’ and exclude those hours for which it would be unreasonable to compensate the prevailing
15 party.” *Id.* Second, the court may “make across-the-board percentage cuts either in the number of hours
16 claimed or in the final lodestar figure as a practical means of excluding non-compensable hours from a
17 fee application.” *Id.* (internal quotation marks omitted).

18 “[W]hen a district court decides that a percentage cut (to either the lodestar or the number of
19 hours) is warranted, it must ‘set forth a concise but clear explanation of its reasons for choosing a given
20 percentage reduction.’” *Id.* “[T]he district court can impose a small reduction, no greater than 10
21 percent—a ‘haircut’—based on its exercise of discretion and without a more specific explanation.”
22 *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2013).
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1 According to the billing records submitted by Dentino (ECF No. 48-1), attorney Mark Bourassa
2 billed 21.6 hours, attorney Trent Richards billed 76.2 hours, attorney Hillary Ross billed 4.7 hours, and
3 three Bourassa Law Group's (BLG) paralegals billed a total of 27.8 hours. (*Id.*)

4 By in large, the number of hours billed by the BLG was reasonable. The one exception is the
5 time billed by attorney Trent Richards. With regard to certain tasks, the time he billed was unnecessary
6 and excessive. For example, he billed for 3.7 hours to "[p]repare for deposition with client; met with
7 client and witness; attend deposition of Plaintiff." (*Id.*) On another occasion, he billed 2.1 hours for
8 "[r]easearch disclosure of fee agreement as applicable to attorney client privilege." (*Id.*) On other
9 occasions, attorney Richards billed his time in blocks. For example, on October 19, 2016, he
10 "[r]eviewed and revised responses to requests for production and finalized responses; reviewed and
11 revised joint pretrial memorandum; drafted email to opposing counsel transmitting proposed pretrial
12 memorandum for consideration" for a total of 2.1 hours. (*Id.*) Since instances of excessive and block
13 billing appear throughout the billing record, this court will exercise its discretion to impose a 10%
14 "haircut" on attorney Richards's total billable hours. *Moreno*, 534 F.3d at 1112. This reduces attorney
15 Richards's billable hours from 76.2 to 68.58.
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17 b. *Reasonable Hourly Rate*

18 The 'prevailing market rates in the relevant legal community' set the reasonable hourly rate for
19 purposes of computing the lodestar amount." *Gonzalez*, 729 F.3d at 1205. "Within this geographic
20 community, the district court should 'take into consideration the experience, skill, and reputation of the
21 attorney or paralegal." *Id.* (internal quotation marks omitted). According to the affidavit in support of
22 Dentino's fee motion, attorneys Bourassa and Ross are partners with BLG and billed \$350 per hours for
23 their time. (ECF No. 48-1) Paralegals for BLG billed at \$125 per hour. (*Id.*) The Defendant does not
24 dispute the reasonableness of any of these hourly rate. (ECF No. 49) Attorney Richards is an associate
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The Defendant argues that a reasonable hourly rate for an associate attorney working on a civil case is between \$200 and \$225 per hour. (ECF No. 49-7) A brief survey of recent orders awarding attorney's fees supports an associate hourly rate of \$225 per hour. *American Contractors Indemnity Company v. Emerald Assets L.P.*, No. 2:15-cv-1334, 2016 WL 4591767 at *5 (D.Nev. Sept. 2, 2016)(granting fees at \$125 per hour for an associate); *Next Gaming, LLC v. Glob. Gaming Grp., Inc.*, No. 2-14-cv-71-MMD-CWH, 2016 WL 3750651 at *5 (D.Nev. July 13, 2016)(granting fees at \$255 per hour for an associate); *Boliba v. Camping World, Inc.*, No. 2:14-cv-1840-JAD-NJK, 2015 WL 5089808 at *4 (D.Nev. Aug. 27, 2015)(granting fees at \$200 per hour for an associate).

Based on this court's determination of the reasonable hours billed and reasonable hourly rates, the following fee computation applies:

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2. Bill of Costs

Dentino also moves for \$1,022.29 in costs. (ECF No. 48) He attached an itemized list for his costs as well as receipts for some of the services used. (ECF No. 48-1) With the exception of the attorneys' travel expenses, all costs listed in Dentino's invoice are taxable under the Local Rules. LR-54-11. Attorney travel expenses totaled \$85.66. This amount will be subtracted from Dentino's award of costs. Dentino's total cost award is \$936.63.

3. Pre- and Post-Judgment Interest

Pursuant to 28 U.S.C. §1961, post-judgment interest will be assessed as a rate of .79% per year. Interest will be assessed from December 1, 2016, the date judgment was entered, onwards. (ECF No. 46) 28 U.S.C. §1961 does not provide for pre-judgment interest. Therefore no pre-judgment interest will be assessed.

ACCORDINGLY, and for good cause shown,

IT IS HEREBY ORDERED that Dentino's motion for attorney's fees (ECF No. 48) is GRANTED.


IT IS FURTHER ORDERED that Dentino is awarded \$28,110.50 in attorney's fees and \$936.63 in costs.

IT IS FURTHER ORDERED that post-judgment interest will be assessed at an annual rate of .79%. Interest will be assessed from December 1, 2016 onwards.

IT IS FURTHER ORDERED that the Clerk enter an amended judgment consistent with this order.

IT IS SO ORDERED.

DATED this 12th day of January, 2017.



CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE